

SANTANA RILES,)
)
Plaintiff,)
)
v.) Case No. 18-CV-1913-JPG-RJD
)
TARA RACKLEY,)
)
Defendant.)

a liberal attitude toward the amendment of pleadings "so that cases may be decided on the merits and not on the basis of technicalities." *Stern v. U.S. Gypsum, Inc.*, 547 F.2d 1329, 1334 (7th Cir. 1977). The Circuit recognizes that "the complaint merely serves to put the defendant on notice and is to be freely amended or constructively amended as the case develops, as long as amendments do not unfairly surprise or prejudice the defendant." *Toth v. USX Corp.*, 883 F.2d 1297, 1298 (7th Cir. 1989). A court may also deny a party leave to amend if there is undue delay, dilatory motive or futility. *Guise v. BMW Mortgage, LLC*, 377 F.3d 795, 801 (7th Cir. 2004).

Plaintiff's proposed amended complaint is timely and does not cause undue delay. Defendants do not object to the motion to amend and will not be unfairly surprised or prejudiced. For the foregoing reasons, Plaintiff's Motion for Leave to File an Amended Complaint (Doc. 37) is **GRANTED**. The Clerk of Court is **DIRECTED** to file Plaintiff's proposed amended complaint as the First Amended Complaint.

Plaintiff proceeds on the following claim:

Count 1: Eighth Amendment deliberate indifference claim against Rackley for failing to promptly treat Plaintiff's venomous spider bite.

IT IS SO ORDERED.

DATED: October 17, 2019

s/ Reona J. Daly
Hon. Reona J. Daly
United States Magistrate Judge